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Response Under 37 C.F.R. § 1.116 Expedited Procedure Examining Group 2827

PATENT Attorney Docket No. 063101-5004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	Application of:)	Confirmation No. 2104
	James STEPHENSON, et al.)	
Applie	cation No.: 10/039,296)	Group Art Unit: 2827
Filed:	October 19, 2001))	Examiner: C. Yoha
For:	NON-VOLATILE MAGNETIC MEMORY DEVICE))	Mail Stop AF
U.S. P Custo Rando 401 D	nissioner for Patents Patent and Trademark Office mer Window, Mail Stop AF olph Building ulany Street ndria, VA 22314		
Sir:	AMENDMENT UNDERTRANSM	ITTAI	. FORM
1.	Transmitted herewith is an Amendment in response		
	October 14, 2005.		
2.	Additional papers enclosed.		
	[] Drawings: [] Formal [] Informal [] Request for Approval of Drawing Change to I [] Information Disclosure Statement [] Form PTO-1449, 1 reference included [] Citations [] Declaration of Biological Deposit [] Submission of "Sequence Listing", computer pertaining thereto for biotechnology invention acid sequence.	readabl	e copy and/or amendment

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- [X] Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- [] Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
[] one month	\$ 120.00	\$ 60.00
[] two months	\$ 450.00	\$225.00
[] three months	\$1020.00	\$510.00
[] four months	\$1590.00	\$795.00

If an additional extension of time is required, please consider this a Petition therefor.

An extension for __ months has already been secured and the fee paid therefor of \$___ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[X] EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

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Application No.: 10/039,296

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5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	8	Minus	81	0	x \$50.00 each=	+ \$0.00
Independent Claims (37 C.F.R.§1.16(b))	4	Minus	4	0	x \$200.00 each=	+ \$ 0.00
[] First presentation of Multiple dependent claim(s) \$360.00 +\$ 0.00					+ \$ 0.00	
SUB-TOTAL = \$0.00						
Reduction by 1/2 for filing by a small entity-\$						
TOTAL FEE = \$0.00						

6. Fee Payment

[]	Please charge our Deposit Account No. 50-0310 in the amount of \$0.00 for the fee.
IJ	No fee is to be paid at this time.

[X] The Commissioner is hereby authorized to charge any additional fees including fees due under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

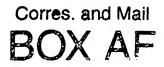
Dated: January 12, 2006

CUSTOMER NO.: 009629 MORGAN, LEWIS & BOCKIUS LLP

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Washington, D.C. 20004 Telephone: 202-739-3000 Facsimile: 202-739-3001 Kyleyl. Choi Reg. No. 41,480





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Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop <u>AF</u>
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

AMENDMENT UNDER 37 C.F.R §1.116

In response to the final Office Action issued on October 14, 2005, the period for response extending until January 14, 2006, please enter the following amendments.